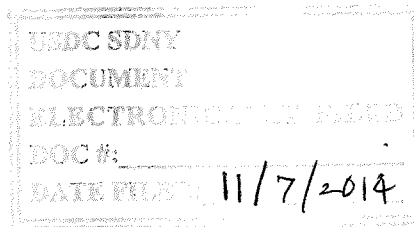


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

-v-

BENJAMIN DURANT and DARYL PAYTON,

Defendants.

12 Cr. 887 (ALC)

ORDER

ANDREW L. CARTER, JR., United States District Judge:

In light of the Superseding Indictment filed on October 29, 2014 (ECF No. 95), the Government's factual proffer and Mr. Payton's allocution, this Court reserved decision at the November 6, 2014 conference on whether to accept Defendant Daryl Payton's guilty plea and requested that the parties submit any arguments on the legal sufficiency of the plea on or before November 11, 2014. The Court would like the parties to specifically address the Second Circuit's decisions in *United States v. Bastian*, No. 13-1156-cr, 2014 WL 5462420 (2d Cir. Oct. 29, 2014) and *United States v. Geibel*, 369 F.3d 682 (2d Cir. 2004) in their submissions.

SO ORDERED.

Dated: New York, New York
November 7, 2014

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written over a horizontal line.

ANDREW L. CARTER, JR.
United States District Judge